

SPECIAL CIVIL APPLICATION No 3965 of 1986

Hon'ble MR.JUSTICE S.D.DAVE

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- [illegible]

- A. P. BAROT

Versus

STATE OF GUJARAT

Appearance:

MR DM THAKKAR for Petitioners

FRESH NOTICE REQD(N) for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 25/06/1999

ORAL JUDGEMENT

Ld. counsel Mr. D.M. Thakkar who appears for the petitioners seeks leave to delete Respondent No.1

from the proceedings on the ground that, all what has to be done is to be done by the Respondent No.2 - the District Panchayat, Mehsana. Upon hearing Ld. counsel for the petitioners, the leave is accorded. The result of this is that the Respondent No.1 - the State of Gujarat stands deleted from the present proceedings.

The Respondent No.2, District Panchayat, Mehsana has been duly served. Nobody appears on behalf of the Respondent No.2 and in the same way, nobody is present from the office of the Respondent No.2. In view of this, Ld. counsel Mr. Thakkar who appears for the petitioners has been heard.

The case of the petitioners is that they were deputed to the State Government services with effect from 23-1-1981 and 5th January 1984 respectively and that, they were discharging their duties under the State Government till 16-1-1986. According to the petitioners, vide orders dated 16-1-1986 the Collector, Mehsana had passed the orders of repatriation under which the petitioners were to go back to their original parent departments. According to the petitioners, pursuant to the above said orders passed by the Collector, Mehsana, petitioners came to be relieved under the orders dated 23-1-1986 passed by Mamlatadar, Visnagar. According to the petitioners, thereafter no postings came to be given to them. Any how such postings could be given to them w.e.f. 14th July 1986. The petitioner No.1 came to be posted at Sidhpur, while the petitioner No.2 came to be posted at Patan. It is therefore that, in this set of circumstances, the principal prayer coming from the petitioners is that, they should be paid regular salaries with all allowances for the period between 24-1-1986 and 14-7-1986.

Petitioners have presented on record a copy of the orders dated July 14, 1986 available at Annexure-C passed by D D O, Mehsana. These orders in detail would indicate that, there were certain civil suits in which interim reliefs were granted in favour of the petitioners which came to be vacated on a later juncture. Any how the above said orders would go to show that a decision has been taken by the DDO, Mehsana that the question regarding the salary of the petitioners for the above said period could be decided only after the Court proceedings are over.

Ld. counsel Mr. Thakkar who appears for the petitioners makes a statement that, later on when the interim reliefs in favour of the petitioners came to be

vacated, the suits have been withdrawn and therefore, at present no civil litigation is pending.

In this fact situation the say coming from the Ld. counsel for the petitioners is that, now there is no sense in waiting for the orders of the Court. The civil litigations have been disposed of and therefore, the Respondent No.2 - DDO, Mehsana should be directed to take appropriate decision regarding the above said dispute qua the salary of the petitioners.

The above said orders indicate that the question could be decided only after the Court verdict. But now when the civil litigation has come to an end the Respondent No.2 who is now the sole respondent should decide the above said question according to law and the rules governing in the field.

This petition, therefore, is disposed of by directing Respondent No.2 to take appropriate decision in view of what has been said above, within a period of three months hereof. The decision should be taken after hearing the petitioners in this respect. The outcome or the decision of this exercise shall have to be intimated to the petitioners.

Present petition stands disposed of with these orders. Rule made absolute to the above said extent .
No costs.

/vgn.